

**AGENDA
DODGE COUNTY PLANNING COMMISSION**

Dodge County Planning Commission, Tuesday, April 20, 2021 at 4:30 P.M., Board of Supervisors Room, Courthouse, Fremont, NE.

1. Call to Order at 4:30 P.M – Roll Call
2. Declaration of Open Meeting and Legality
3. Declaration of Exparte
4. Approval of Minutes of March 16, 2021 Meeting

5. **Public Hearing:** Consider request of Carroll D. & Mary L. Hasemann of 261 County Road 16 Blvd., Scribner, NE 68057 to subdivide a 6.22 acre tract as per Article 14. Section 1. Permitted Principal Uses 1.3 located in E ½ SE ¼ Section 27, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional District.

Testimony:
For:
Against:
Possible Action:

6. **Public Hearing: Continued Item:** Update the Dodge County Zoning Regulations to include text to be inserted into Article 25: Supplemental Regulations, Section 22. The text will address Industrial Wastewater – Biosolids – Sludge (Liquid and or Cake Form).

Testimony:
For:
Against:
Possible Action:

7. Other business brought to the board (By Published Addendum)

8. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON APRIL 9, 2021. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR AND COUNTY CLERK.

**NOTICE
PUBLIC HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN, that public hearing of the Dodge County Planning Commission will be held during their special meeting, April 20, 2021 at 4:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, May 5, 2021 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Room., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following items:

1. Consider request of Carroll D. & Mary L. Hasemann of 261 County Road 16 Blvd., Scribner, NE 68057 to subdivide a 6.22 acre tract as per Article 14. Section 1. Permitted Principal Uses 1.3 located in E ½ SE ¼ Section 27, Township 18 North, Range 8 East in Nickerson Township, Zoning District A-3, Transitional District.
2. Continued Item: Update the Dodge County Zoning Regulations to include text to be inserted into Article 25: Supplemental Regulations, Section 22. The text will address Industrial Wastewater – Biosolids – Sludge (Liquid and or Cake Form).

Questions or comments concerning the public hearings and proposed request should be directed to the Zoning Administrator at (402) -727-2724 and the Dodge County Clerk's Office at (402)727-2767. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.

Article 25: Supplemental Regulations

Section 22- Industrial Wastewater – Biosolids - Sludge
(Liquid and or Cake Form)**Section 1: Purpose**

The unsanitary disposal of **the above material** creates health and sanitary hazards, promotes the breeding of vermin, flies and other pests, **may** pollute water and the atmosphere, produces noxious odors and is an affront to the aesthetic values of the citizens of Dodge County. It is hereby found and declared that a safe, efficient and effective method of applicant of biomass, biosolids and sludge is in the best interest of the citizens of Dodge County and the residents of the State of Nebraska; provided it is done in such a manner as to prevent health, sanitation and aesthetic nuisances. The accomplishment of these ends will be fostered and encouraged by the enactment and enforcement of this Section, which is hereby declared to be essential to the public health, safety and welfare.

Section 2: Definitions

For the purpose of this Section, certain terms and words are defined. All words used in the present tense shall include the future tense; all words in the plural shall include the singular and all words in the singular include the plural; unless the natural construction of the wording indicates otherwise.

Applicant: shall mean any person who owns or is in possession of real property upon which the biomass, biosolids or sludge are proposed to be stored, injected or applied.

Applier: shall mean any person responsible for the storage or placement of the material at the application site.

Application Site: shall mean the property upon which the material is to be stored, injected or applied, whichever is appropriate.

Generator: shall mean any person whose act or process produces the biomass, biosolids or sludge.

Hauler: shall mean any person responsible for the transportation of the material.

Incorporate into the soil: shall mean to work a material into the surface of the soil by plowing, disking or other means

Injection: shall mean to insert material below the surface of the soil by mechanical means.

Person: shall mean any federal agency, individual, partnership, association, firm, company, corporation, agent, municipality or governmental subdivision, or organization of any kind.

Recipient: shall mean any person who owns, or is in possession of, real property upon which the material is proposed to be stored or applied.

Sludge: shall mean any solid, semi-solid or liquid waste generated from a commercial or industrial wastewater treatment plant or air pollution control facility or any other such waste having similar characteristics and effects, which has been treated by a process to significantly reduce pathogens by one of the following methods:

1. **Aerobic digestion:** The process is conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15 degree C to 40 days at 20 degree C, with a volatile solids reduction of at least 38 percent.
2. **Air Drying:** Liquid Sludge is allowed to drain and/or dry on under-drained sand beds or paved or unpaved basins in which the sludge is at a depth of nine inches. A minimum of three months is needed, two months of which temperatures average on a daily basis above 0- degree C.

3. **Anaerobic digestion:** The process is conducted in the absence of air at residence times ranging from 60 days at 20 degree C to 15 days at 55 degree C, with a volatile solids reduction of at least 38 percent.
4. **Composting:** Using the within-vessel, static aerated pile or window composting methods, the solid waste is maintained at minimum operating conditions 40 degree C for five days. For four hours during this period the temperature exceeds 55- degree C.

Biomass: shall mean solid industrial sludge, from the wastewater treatment where corn milling, feed, germ, fructose, ethanol, polyois and lactic acid and further treatment phases of grit removal and equalization, anaerobic pre-treatment, aerobic treatment and industrial sludge digestion and thickening. This material shall contain no sanitary or domestic wastewater components and shall meet all applicable State and Federal regulations for safe and beneficial reuse as agronomic nitrogen source.

"Cake" Biosolids: shall mean a solid material produced by lowering the moisture content of the slurried biosolid residual material generated from the milling, fermentation, extraction and further treatment phases of a corn syrup and grain alcohol production plant. This material shall contain no sanitary or domestic wastewater components and shall meet all applicable State and Federal regulations for safe and beneficial reuse as agronomic nitrogen source and **this soil conditioner that is approved through state regulations are exempt.**

Lime Stabilization: Sufficient lime is added to produce a pH of 12 after two hours of contact.

Long Term Stockpile: shall mean a bulk supply of "Cake" biosolid stored for a period greater than three weeks and up to **6** months at an approved site for future use **commencing August 1.**

Other Methods: Other methods of operating conditions may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

Stockpile/Field Application Stockpile: shall mean a bulk supply of "Cake" biosolid temporarily stored at a field application site.

Storage: shall mean the temporary holding or leaving of a material in a location or position other than where it will ultimately reside or be used.

Section 2

Long Term Stockpile:

1. Low moisture "Cake" biosolids may be long term stockpiled at an approved site for a total of **6** months. Following the **6** months, there shall be **6** consecutive months where the stockpile is nonexistent. The maximum amount stockpiled at any given time is limited to the amount proposed for future land application within Dodge County only. Low moisture "Cake" biosolids shall be applied at the agronomic rate recommended by an agronomist. The proposed number of acres times the proposed amount to be applied per acre is used to calculate the total allowable amount to be stockpiled.
2. Runoff must be controlled within 500 feet of a stockpile site and in areas where there is a possibility of contaminating waters of the state exist.
3. Measures must be taken to prevent and eliminate the possibility of pooling.
4. The stockpile shall not be located within 1500 feet of an inhabited residence, or business or facility excluding the residence or business of the landowner or applicant **with written permission.**
5. The Stockpile shall not be located within 1000 feet of a well.

6. Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Dodge County Board of Supervisors, after recommendation from the Planning Commission.

Section 3 Permits

It shall be unlawful for any person to use any land, premises, or property in Dodge County for the application of any biosolids without first making application for and securing a conditional use permit (CUP) to do so. The Dodge County Board of Supervisors, upon receiving a recommendation from the Planning Commission, has the authority to issue a CUP, pursuant to procedures in the Dodge County Zoning Regulations.

The application shall include, but not be limited to, the following:

1. The name, address, telephone number, and ownership status of the generator of the biosolids.
2. The name, address and telephone number of the hauler.
3. The name, address and telephone number of the applier.
4. The name, address and telephone number of the applicant and recipient of the biosolids application site.
5. The legal description of the biosolids application site.
6. The vehicles or facilities used to transport the biosolids to the application site **must be covered**.
7. A description of the method of application, (liquid form) by injecting the biosolids into the soil or (low moisture "Cake") by surface spreading.
8. A topographic map of the application site(s), which shall include: The locations and names of neighboring home sites or farmsteads and adjacent land owned by others; all wells, streams, surface water, watercourses, wetlands and inhabited dwellings within 1,000 feet of the application site; an explanation of how the material will be transported from the generation site to the application site.
9. A list of names and addresses of neighboring home sites or farmsteads either owned or rented as well as adjacent landowners within 1,000 feet of proposed storage & application **must be furnished along with application for CUP**.
10. The locations of wells within 500 feet of the application site boundary.
11. The biosolids shall be applied at the agronomic rate for nitrogen less **the phosphorus** reserves.
12. **A map of the proposed route or routes that will be used for the** transportation of the biosolids to the application site.

Section 4 Conditions for Land Application

1. No person shall permit the unloading and application of any biosolids at any place except a County approved site.

Section 5 Regulations

Any person to whom a permit is granted for the application of both liquid and low moisture forms of biosolids shall observe the following regulations. These regulations shall govern the transportation to, unloading of, injection and spreading of the biosolids in Dodge County and any failure to fully comply with these regulations shall be sufficient grounds for suspension or revocation of the permit granted.

1. The application of biosolids shall comply with the guidelines of the Nebraska Department of Environmental Energy.
2. The application to land of biosolids shall be monitored by the Dodge County Board of Supervisors through inspections, Laboratory analysis of the biosolids shall be provided quarterly to the County Planning Department. The costs of any analysis shall be paid by the permit holder. The analysis shall be calculated in the following units – level found in mg/kg, lbs./dry ton, and lbs./acre @ 2 dry tons/acre):
 - a. Kjeldahl Nitrogen
 - b. Phosphorus (total)
 - c. Potassium (total)
 - d. Sulfur (total)
 - e. Calcium (total)
 - f. Magnesium (total)
 - g. Sodium (total)
 - h. Iron (total)
 - i. Manganese (total)
 - j. Copper (total)
 - k. Zinc (total)
 - l. Ammoniacal Nitrogen
 - m. Nitrate Nitrogen
 - n. Arsenic (total)
 - o. Barium (total)
 - p. Cadmium (total)
 - q. Chromium (total)
 - r. Lead (total)
 - s. Mercury (total)
 - t. Molybdenum (total)
 - u. Nickel (total)
 - v. Selenium (total)
 - w. Silver (total)
3. The biosolids shall not be land applied within 500 feet of an inhabited residence, business or facility excluding the residence of business of the landowner or applicator **with written permission**.
4. Non-compliance with any requirements or conditions shall be sufficient grounds to revoke the CUP. Revocation of the CUP is accomplished by the Dodge County Board of Supervisors, after recommendation from the Planning Commission.

Section 6 Penalty for violations

Any person who violates any of the provisions of this Regulation shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

Section 7 Other

1. For the purposes of this Section, the 1,000-foot notification for the CUP shall mean 1,000 feet from the outer boundary of contiguous property (in a legally described section of land) owned by the biosolids recipient.
2. For fee purposes, a site is described as a contiguous property in a legally described section of land, under one ownership.

COPY

RESOLUTION NO. _____
OF
THE DODGE COUNTY BOARD OF SUPERVISORS

WHEREAS: The Dodge County Board of Supervisors have general supervision of all planning and zoning activities of Dodge County, and

WHEREAS: The Dodge County Planning Commission did hold a Public Hearing on Tuesday, April 20, 2021 at 4:30 P.M. where they recommended approval of an amendment to Article 25 Supplemental Regulations, Section 22. Industrial Wastewater-Biosolids – Sludge (Liquid and/or Cake Form) and

WHEREAS: The Dodge County Board of Supervisors have held a Public Hearing on May 5, 2021 at 9:35 A.M. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for said amendment, now therefore be it

RESOLVED: That the Dodge County Board of Supervisors hereby approve said amendment.

Supervisor _____ moved to adopt said Resolution.

Roll Call Vote showed _____ yea _____ nay

ATTEST:

Fred Mytty,
Dodge County Clerk

Bob Missel, Chairman
Dodge County Board of Supervisors

May 5, 2021
Date